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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,490	07/22/2003	A. Farid Issaq	ACT-377	9116
28661	7590	01/25/2008		
SIERRA PATENT GROUP, LTD. 1663 Hwy 395, Suite 201 Minden, NV 89423			EXAMINER TRAN, THIEN F	
			ART UNIT	PAPER NUMBER
			2811	
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			01/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/625,490	Applicant(s) ISSAQ ET AL.	
	Examiner Thien F. Tran	Art Unit 2811	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11, 12 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12 and 14-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/16/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 recites the limitation "said second layer of said barrier metal layer" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, 12, 14, 15 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley et al (US 6,437,365) in view of Jain et al (US 6,107,165) and Gangopadhyay (US 6,114,714).

Regarding claims 11, 12, 17 and 18, Hawley et al teach a metal-to-metal antifuse comprising (Fig 6): a tungsten plug (18) disposed in a via in an insulating layer (16) disposed above and in electrical contact with a lower metal interconnection layer (14); an antifuse layer (20) disposed above an upper surface of the tungsten plug, the

antifuse layer comprising a lower SiN layer (22) considered as a lower adhesion-promoting layer, a middle layer (24) comprising amorphous silicon, and an upper SiN layer (26) considered as an upper adhesion-promoting layer; a layer of a barrier metal (30) disposed over the antifuse layer forming a second electrode, the layer of the barrier metal comprising a titanium nitride; and a second insulating layer of oxide layer (52) disposed over the insulating layer (16), the antifuse layer, and the layer of the barrier metal.

Hawley et al. do not teach that the layer of the barrier metal formed of tantalum nitride. Jain et al. teach titanium nitride and tantalum nitride can be used for barrier metal (col. 4, line 66 - col. 5, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the titanium nitride of Hawley with tantalum nitride as taught by Jain since titanium nitride and tantalum nitride are art recognized barrier metal material.

Hawley et al. in view of Jain do not teach the middle layer (24) comprising hydrogen doped amorphous carbon. Gangopadhyay teaches a hydrogen doped amorphous carbon used for antifuse material (2, Fig.1A). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute amorphous silicon with hydrogen doped amorphous carbon since amorphous carbon could reduce ON-OFF switching and leakage current.

Hawley, Jain and Gangopadhyay disclose the same structure as claimed but do not explicitly teach that the SiN layers (22 & 26) are adhesion-promoting layers. However, the adhesion-promoting layer of the present invention is formed of SiN or SiC

(see page 3, Summary section in the specification, paragraph 0007); therefore, the SiN layers (22, 26) on both sides of the middle layer (24) of hydrogen doped amorphous carbon using the same material disclosed by the present invention inherently function as "adhesion-promoting layer" and would meet the recited term "a lower adhesion-promoting layer" and "an upper adhesion-promoting layer".

Regarding claim 14, Hawley et al. teach the antifuse layer having a thickness of 61 nm (col. 4, lines 29-32).

Regarding claim 15, Hawley et al. teach the layer of the barrier metal having a thickness of 200 nm (col. 4, lines 5-9 & col. 6, lines 26-30).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley, Jain, and Gangopadhyay, as applied to claim 11 above, and further in view of Han et al. (US 6,583,953).

Hawley et al. do not teach SiC used as a adhesion-promoting layer for the carbon. Han et al. teach in Fig.4, a SiC interlayer (60) forms as an adhesion layer for Carbon layer (66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to select SiC instead of SiN as an adhesion layer that would have improved adhesive properties over conventional silicon-based adhesion layers like SiN (col. 4, lines 21-24).

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hawley, Jain, and Gangopadhyay, as applied to claim 11 above, and further in view of Forouhi (US 5,181,096).

Hawley et al. do not teach a tungsten layer atop the barrier metal layer. Forouhi in Fig.1 teaches a tungsten layer (30) formed on the barrier metal (28). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Forouhi in Hawley in order to produce a device with a process compatible electrode.

Response to Arguments

Applicant's arguments filed 11/15/2007 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the unexpected markedly different and superior characteristics) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

It is noted that the combined teachings of the prior art disclose the same structure as claimed. Therefore, the patent Office has reason to believe that the properties/characteristics, in fact, be an inherent characteristic of the prior art. It is a burden on applicant to provide convincing evidence to prove that the subject matter shown to be in the prior art does not possess the characteristics relied on. In re Swinehart, 169 USPQ 226 (CCPA 1971). The structure disclosed by the prior art would provide the same superior characteristics as disclosed by the present invention. It is the examiner position that combined teachings of the prior art inherently provide the same graphs in Figs 11-13 and exhibit the same characteristics as described in paragraphs [0083] through [0087] as well as in paragraph 4 of the Declaration.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien F. Tran whose telephone number is (571) 272-1665. The examiner can normally be reached on 6:30AM - 3:00PM Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Gurley can be reached on (571) 272-1670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

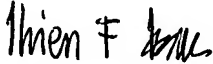
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Thien F Tran
Primary Examiner
Art Unit 2811

tt
January 21, 2008